



- CONTINUED TO PAGE 1 3

UNITED STATES DISTRICT COURT  
CRIMINAL DOCKET

U. S. vs

ERIC ANTHONY THOMAS

Page -3-

5:93-CR-0013-01-C

AO 256A ®

Yr. Docket No. Def.

DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
1993	(Document No.)				
3/12/93	PRETRIAL NOTICE AND ORDER - TRIAL DATE: 5/3/93 at 9:00 A.M.; copies to cnsl for deft., AUSA, USPO, JQW, SRC & certified copy to DUSM SRC/kw INITIAL APPEARANCE ORDER, ARRAIGNMENT ORDER AND ORDER OF DETENTION; copies to cnsl for deft., AUSA, USPO, JQW, SRC & certified copy to DUSM JQW/kw USM RETURN ON SUMMONS: deft. personally served on 3/12/93 kw				
3/12/93	M.O. (before Mag. Jud. Warnick) IA/AI & Arraignment dd Trial 5/3/93-Dft's Mots due 4/7/93, Gov't Mtns due 4/23/93.				
3/22/93	MOTION FOR SUBSTITUTION OF COUNSEL (By Deft) dd				
3/23/93	ORDER ON MOTION FOR SUBSTITUTION OF COUNSEL; ordering that Dennis R. Reeves be substituted as attorney of record for Eric Anthony Thomas in place of Glen Archer. Copies to Mr. Archer, Mr. Reeves, AUSA, USPO, JQW, SRC & DUSM SRC/kw				
4/6/93	MOTION IN LIMINE w/MEMORANDUM (deft) kw MOTION FOR DISCOVERY AND INSPECTION (WITH MEMORANDUM OF AUTHORITIES) (deft) kw REQUEST FOR PRODUCTION OF WITNESS' STATEMENTS AND DEFENDANT'S STATEMENTS (deft) kw MOTION FOR DISCLOSURE OF ELECTRONIC OR OTHER SURVEILLANCE (deft) kw MOTION AND BRIEF IN SUPPORT OF MOTION FOR BILL OF PARTICULARS (deft) kw MOTION AND BRIEF TO SUPPRESS ILLEGALLY SEIZED EVIDENCE (deft) kw MOTION FOR GOVERNMENT AGENTS TO RETAIN ROUGH NOTES AND INCORPORATED MEMORANDUM OF LAW (deft) kw				
4/9/93	ORDER regarding deft's mtn for discovery and inspection. Govt' should make discovery and given inspection o/b 3:00 p.m. on 4/19/93. Copies to cnsl for deft, AUSA, SRC src/kw ORDER regarding deft's mtn for disclosure of electronic or other surveillance. Copies to cnsl for deft., AUSA, SRC SRC/kw				

CONTINUED ON NEXT PAGE

Interval  
(per Section II)Start Date  
End DateLtr. Total  
Code Days

UNITED STATES DISTRICT COURT  
CRIMINAL DOCKET  
AO 256A

USA v. ERIC ANTHONY THOMAS

Page -4-

5:93-CR-13-01-C

DATE	PROCEEDINGS (continued) (Document No.)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
1993					
4/9/93	ORDER setting def't's mtn to suppress for hearing at 1:30 p.m. on 4/29/93, in USDC, Lubbock, TX; copies to cnsl for def't., AUSA, USPO, SRC & certified copy to DUSM SRC/kw ORDER denying def't's mtn for bill of particulars. Copies to cnsl for def't., AUSA, SRC SRC/kw ORDER granting def't's mtn in limine. Copies to cnsl for def't., AUSA, SRC SRC/kw ORDER granting def't's mtn for Government Agents to retain rough notes. Copies to cnsl for def't., AUSA, SRC SRC/kw				
4/23/93	RESPONSE TO DEFT'S MOTION TO SUPPRESS (Govt) kw MOTION FOR PRODUCTION, DISCOVERY AND INSPECTION OF DEFENDANT'S EVIDENCE w/BRIEF (Govt) kw				
4/27/93	NOTICE OF LENGTH OF TRIAL (Govt) kw REQUESTED JURY INSTRUCTIONS (Govt) kw				
4/28/93	ORDER AS TO DEFENDANT ERIC ANTHONY THOMAS regarding Govt's mtn for discovery; copies to cnsl for def't., AUSA & SRC SRC/kw WITNESS LIST (Govt) kw EXHIBIT LIST (Govt) kw WITNESS LIST (def't) kw EXHIBIT LIST (def't) kw NOTICE OF LENGTH OF TRIAL (def't) kw REQUESTED INSTRUCTIONS AND PROPOSED VERDICT FORM (def't) kw				
4/29/93	M.E. - Hearing on mot to suppress in open court mm				
4/29/93	SUPPLEMENTAL WITNESS LIST (def't) kw				
4/30/93	ORDER denying def't's mtn to suppress. Copies to cnsl for def't., AUSA, USPO, SRC & certified copy to DUSM. SRC/kw				
5/3/93	M.E. - Jury trial commenced/completed. mm				
5/3/93	JURY ROLL and JURY LISTS mm STIPULATION OF EVIDENCE kw				
5/4/93	COURT'S INSTRUCTIONS TO THE JURY SRC/mm VERDICT OF THE JURY; Guilty to cts.1,2,3 mm RECEIPT FOR EXHIBITS (Govt) mm				

CONTINUED ON NEXT PAGE

Interval  
(per Section II)Start Date  
End DateLtr. Total  
Code Days

UNITED STATES DISTRICT COURT  
CRIMINAL DOCKET

U. S. vs

ERIC ANTHONY THOMAS

Page -5-

5:93-CR-13-01-C

AO 256A •

Yr. Docket No. Def.

DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
1993	(Document No.)				
6/11/93	SCHEDULING ORDER FOR SENTENCING UNDER LOCAL RULE 10.9 (GUIDELINES SENTENCING) - see order for details; copies to cns1 for deft., AUSA, USPO, SRC & certified copy to DUSM SRC/kw				
6/16/93	MOTION FOR CONTINUANCE (By Deft) dd				
6/17/93	ORDER (Denying Motion for Continuance) SRC/dd Cpys to: AUSA, USPO, DUSM, SRC & Atty for Deft.				
6/21/93	ORDER RESCHEDULING SENTENCING; sentencing is rescheduled for 8:30 a.m., July 23, 1993, in USDC, Lubbock, TX; Copies to cns1 for deft., AUSA, USPO, SRC & certified copy to DUSM SRC/kw				
7/7/93	ORDER RESCHEDULING SENTENCING: sentencing SRC/dd is rescheduled for 8:30 a.m., July 30, 1993, in USDC, Lubbock, TX; Copies to cns1 for deft; AUSA, USPO, SRC & cert. copy to DUSM.				
7/28/93	M.E. - Sentencing in open court mm				
7/28/93	JUDGMENT IN A CRIMINAL CASE; deft sentenced on cts. 1,2,3 to \$150 SA; c/USM 220 mos., remanded to c/USM; 5 yrs S/R w/spec & stndrd conds.; no fine; stmnt of rsns. CCys to DUSM(2); cy to DUSM for deft; AUSA; USPO; AUSA FW/DC; deft cns1. SRC/mm				
8/3/93	NOTICE OF APPEAL(Deft); certified copy to Fifth Circuit w/ certified copy of docket sheet; copies of notice of appeal and transmittal letter to AUSA and to Deft's attorney (EOD:8/3/93) (Gave transcript order form to Attorney Mike Brown) gb				
8/5/93	Appeal fee paid by Attorney Mike Brown (\$105.00- Receipt # 12503) gb				
8/11/93	DEFENDANT'S MOTION FOR LEAVE TO PROCEED ON APPEAL IN FORMA PAUPERIS gb DEFENDANT'S MOTION TO SUBSTITUTE COUNSEL ON APPEAL gb				
CONTINUED ON NEXT PAGE					

Interval  
(per Section 11)Start Date  
End DateLtr. Total  
Code Days

UNITED STATES DISTRICT COURT  
CRIMINAL DOCKET

USA v ERIC ANTHONY THOMAS

-6-

5:93-CR-13-01

AO 256A

DATE	PROCEEDINGS (continued) (Document No.)	EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
1993					
8/12/93	ORDER granting the deft's motion to proceed on appeal in forma pauperis; and granted the motion to substitute counsel for deft- substituting Mike Brown in place of Dennis Reeves; copies to AUSA, Mike Brown, Dennis Reeves; certified copy to Fifth Circui Court of apepals SRC/gb				
10/28/93	USM RETURN ON J&C: deft. delivered on 8/26/93 to FCI at Florence CO. kw				
11/16/93	TRANSCRIPT (Statement of Facts) 5/3/93 (1 Volume) gb				
11/19/93	Mailed Record on Appeal to Fifth Circuit (1 Volume, 1 Transcript & 1 Sealed envelope of Presentence Report) w/ certified copy of docket sheet; copies of transmittal letter and docket sheet to AUSA & Deft's attorney gb				
11/19/93	CJA 24 approved by Judge Warnick in the amount of \$226.80 for pmt to Shawn McRoberts, Court Reporter; orig. to Dallas kw				
1994					
3/1/94	TRANSCRIPT of Hearing on Motion to Suppress of 4/29/93 (1 Volume) TRANSCRIPT of Sentencing of 7/28/93 (1 Vol) gb gb Mailed Supplemental Record to Fifth Circuit Court of Appeals (2 Transcripts) w/ certified copy of docket sheet; copies of transmittal letter and docket sheet to AUSA & to Deft's attorney gb				
3/11/94	CJA 24 approved by Mag. Judge Warnick for pmt of transcript in the amount of \$285.00 to Shawn McRoberts; orig. to Dallas kw				
3/17/95	<del>Certified copy of Order from Fifth Circuit Court of Appeals: remanded; If the District Court should determine that the notice of appeal is not timely filed pursuant to Rule 4(e), the court should consider whether defendant's late filing is due to excusable neglect.</del> Docketed on this page in error gb				

Interval  
(per Section II)Start Date  
End DateLtr. Total  
Code Days

UNITED STATES DISTRICT COURT  
CRIMINAL DOCKET

U. S. vs ERIC ANTHONY THOMAS

-7-

5:93-CR-13=01

AO 256A •

Yr. Docket No. Def.

DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
1994	(Document No.)				
12/7/94	Judgment from Fifth Circuit Court of Appeals ordering that the convictions in this cause are affirmed; the sentence is vacated, and the cause is remanded to the District Court for resentencing on the count elected by the government ISSUED AS MANDATE 12/7/94 (Faxed copy) gb				
12/7/94	<del>Received Record from Fifth Circuit (4 Vols and 1 envelope of Presentence Report)</del> gb ORDER that the Govt. shall file its Election of Count o/b 12/21/94. Upon filing of such Election of Count, the USPO shall have 30 days in which to prepare an Amended Presentence Report based on the Govt's election of count. Upon the disclosure of the Amended Presentence Report, the Court will enter a scheduling order in accordance w/Local Rule 10.9; copies to cnsl for deft., AUSA, USPO, SRC & DUSM				
12/9/94 *	Certified Judgment from Fifth Circuit Court of Appeals affirming the convictions; vacating the sentence and remanding to the District Court for Resentencing Mandate issued 12/7/94 w/ OPINION gb				
12/20/94	ELECTION OF COUNTS (Govt) kw ORDER that the Govt. shall file an Amended Election of Count o/b 9:00 a.m. on 12/30/94. If Govt. fails to timely file its election, the Court will dismiss the above-referenced matter. Copies to cnsl for deft., AUSA, USPO, SRC & DUSM SRC/kw				
*12/9/94	Received record from 5th Circuit (4 Vols & 1 Sealed envelope of Sealed Presentence Report) gb				
12/21/94	ORDER setting a hearing on the Govt's Election of Counts is set for 8:30 a.m. on 1/27/95. in USDC, Lubbock, TX. Court will resentence dft immediately following such hearing. Copies to cnsl for deft., AUSA, USPO, SRC & DUSM SRC/kw				
12/27/94	MOTION FOR HEARING ON THE COURT'S ORDER TO ELECT (Govt) kw				
12/27/94	ORDER setting hearing on Govt's Election of Counts for 8:30 a.m. on 1/27/95; copies to cnsl for dft.. AUSA, USPO, SRC & DUSM SRC/kw				
CONTINUED ON NEXT PAGE					

Interval  
(per Section 11)Start Date  
End DateLtr. Total  
Code Days

UNITED STATES DISTRICT COURT  
CRIMINAL DOCKET

USA v. ERIC ANTHONY THOMAS

Page -8-

5:93-CR-13-0

AO 256A

DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
1995	(Document No.)				
1/27/95	M.O. (before Judge Cummings) - Resentencing-\$100.00 SA; custody USBOP 220 mos. on ea. of cts. 2&3 to run cc; 5 yrs S/R w/Spec & stdn cond.; no fine; ct.1 dism per 5th Circuit mandate; <del>XXXXXX</del> <del>XX</del> , <del>XXXXXXXXXXXXXXXXXXXX</del> <del>XXX</del> /kw				
1/27/95	JUDGMENT-custody of USBOP 220 mos. on Ct. 2 & 220 mos on ct. 3 to run conc. w/ct. 2; five years S/R with special and standard conditions; no fine;\$100.00 SA; Ct. 1 dismissed upon Govt's motion; copies to cnsl for deft., AUSA, Lubbock & Ft. Worth, USPO, SRC & DUSM <del>XXX</del> /kw				
2/9/95	NOTICE OF APPEAL; certified copy to Fifth Circuit w/ certified copy of docket sheet; copies of notice of appeal and transmittal letter to Eric Anthony Thomas and to AUSA (Sent transcript order form to Thomas) <del>XXX</del> MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS on appeal (Deft) <del>XXX</del> MOTION FOR TRANSCRIPTS (Deft) <del>XXX</del> CERTIFICATE OF SERVICE (Deft) <del>XXX</del> ORDER: Deft was previously granted leave to proceed in forma pauperis and that leave has not been revoked.; ordered that Deft's motion is denied as moot; copies to AUSA and to Eric Anthony Thomas; certified copy to Fifth Circuit Court of Appeals <del>XXX</del> ORDER granting Deft's motion for transcripts; copies to AUSA and to Eric Thomas; certified copy to Fifth Circuit Court of Appeals <del>XXX</del>	gb			
2/21/95	Received Transcript Order form from Deft <del>XXX</del> Fifth Circuit Court of Appeals No. 95-10131 <del>XXX</del>	gb			
3/17/95	Certified copy of Order from Fifth Circuit Court of appeals remanding to the District Court for determination if the Notice of appeal was timely filed, the court should consider whether defendat's filing is due to excusable neglect <del>XXX</del>	gb			
3/20/95	ORDER stating that the defendant's notice of appeal was timely filed; copies to AUSA & to Eric Anthony Thomas; faxed copy to Fifth Circuit and also mailed a certified copy to them w/ updated docket entry <del>XXX</del>	SRC/gb			

Interval  
(per Section II)Start Date  
End DateLtr. Total  
Code Days

UNITED STATES DISTRICT COURT  
CRIMINAL DOCKET

U. S. vs

ERIC ANTHONY THOMAS

Page 9

AO 256A

93	013	01
Yr.	Docket No.	Def.

DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
1995	(Document No.)				
3/20/95	DECLARATION IN SUPPORT OF PETITIONER'S TIMELY FILING OF NOTICE OF APPEAL (Thomas) gb				
3/23/95	TRANSCRIPT of Re-Sentence Hearing of 1/27/95 (1 Vol) gb				
3/24/95	Transmitted Record on Appeal to Fifth Circuit Court of Appeals (1 Volume, 4 Transcripts, 1 Envelope of Sealed Presentence Report) copies of transmittal letter and docket sheet to AUSA and to Eric Anthony Thomas gb				
9/13/95	MOTION FOR APPOINTMENT OF COUNSEL (Deft) gb				
9/15/95	Certified copy of Opinion from Fifth Circuit Court of Appeals gb Certified copy of Judgment from Fifth Circuit Court of Appeals; ordered and adjudged that Thomas's convictions are affirmed; his sentence is vacated and this cause is remanded to the District Court for resentencing on the count elected by the government- MANDATE issued 9/13/95 Received appeal record from Fifth Circuit 1 Volume, 4 Transcript & 1 Envelope of Sealed Presentence Report- (Returned the Presentence Report to Probation Office) gb				
9/20/95	ORDER: that the Govt. shall file its Election of Count o/b 9/27/95; upon the filing of such Election of Count, the USPO shall have 30 days in which to prepare an Amended Presentence Report based on Govts election of count; upon disclosure of Amd Presentence Report, Court will enter a scheduling order; cys to deft CM/RRR#P 082 969 617, AUSA, USPO, DUSM SRC/kj (copy mailed to Mr. Reeves)				
	CONTINUED ON NEXT PAGE				

Interval  
(per Section II)Start Date  
End DateLtr. Total  
Code Days

UNITED STATES DISTRICT COURT  
CRIMINAL DOCKET

AO 256A

USA v. ERIC ANTHONY THOMAS

Page -10-

5:93-CR-013-01

DATE	PROCEEDINGS (continued) (Document No.)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
1995					
9/21/95	CJA 20 appointing Dennis Reeves as cns1 for resentencing; copy of Order entered 9/20/95 mailed to Mr. Reeves; orig. CJA 20 w/transmittal pkg sent to Mr. Reeves kv				
9/26/95	Govt's ELECTION OF COUNT kw				
9/28/95	Received return receipt #P082 969 617 indicating Thomas receipt of Order entered 9/20/95, card signed by authorized agent 9/25/95 kj				
10/4/95	MOTION FOR MODIFICATION AND/OR CORRECTION OF A SENTENCE PURSUANT TO 18 USC SECTION 3582 (A) (1)(2)(B) AND THE RULE OF LENITY (Thomas) gb				
10/4/95	ORDER granting dft's motion for modification and/or Correction of a Sentence to the extent that dft. will be resentenced according to law.; copies to dft., daty, AUSA, USPO, DUSM & SRC SRC/kw				
10/31/95	ORDER: deadline for completion of the Amended Presentence Report is extended for 2 weeks; upon the disclosure of the amended Presentence Report Court will enter a scheduling order, copies to deft cns1, AUSA, USPO, DUSM, SRC SRC/kj				
11/2/95	SCHEDULING ORDER FOR GUIDELINE SENTENCING (see order for details); copies to daty, AUSA, USPO, SRC & DUSM SRC/kw				
11/15/95	MOTION TO EXTEND TIME (deft) kj ORDER: granting mtn to extend time to file obj to Presentence Report or a written statement adopting finding of Presentence Report is extended to ten days after deft is brought back to Lubbock, cys to deft cns1, AUSA, USPO, DUSM, SRC SRC/kj				
	CONT NEXT PAGE				

Interval  
(per Section II)Start Date  
End DateLtr. Total  
Code Days

UNITED STATES DISTRICT COURT  
CRIMINAL DOCKET

U. S. vs

USA V. ERIC ANTHONY THOMAS

PAGE 11

5:93-CR-013-01

AO 256A \*

Yr. | Docket No. | Def.

DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
1996	(Document No.)				
1/18/96	SCHEDULING ORDER FOR GUIDELINE SENTENCING (see order for details); copies to cnsl for dft., AUSA, USPO, SRC & DUSM SRC/kw				
2/9/96	M.O. (BEFORE JUDGE CUMMINGS) Re-Sentencing-custody of USBOP 220 mos.; 5 yrs. W/R w/spec & stnd cond.; no fine; \$50.00 sa. kw JUDGMENT-dft sentenced to custody of USBOP for 220 mos.; 5 yrs S/R with special & stnd cond.; no fine; special assessment-\$50.00; certified copies to daty, USPO, AUSA, Lubbock & Ft.Worth, Debt Coll., DUSM (2) SRC/kw				
2/16/96	NOTICE OF APPEAL (Deft); certified copy to Fifth Circuit Court of Appeals w/ certified copy of docket sheet & CAJ 20 Attorney Appointment form; copies of Notice of Appeal and transmittal letter to AUSA & to Deft's Attorney (Gave transcript order form to Defendant's Attorney) gb				
3/8/96	CJA 20-Voucher #0572754 approved for payment by Judge Cummings in the amount of \$306.50 to Dennis Reeves; orig. to Dallas for payment kw				
3/11/96	Transcript requested for appeal (Deft's Atty) gb				
4/19/96	TRANSCRIPT of Sentencing 2/9/96 (1 Bound Volume) gb				
4/26/96	Transmitted Record to Fifth Circuit Court of Appeals +2 Volumes, 5 Transcripts & 1 Envelope of Sealed Presentence Information; copies of transmittal letter and docket sheet to AUSA & Defendant's attorney gb				
11/19/96	Certified copy of Judgment from Fifth Circuit Court of Appeals affirming the judgment of the District Court; MANDATE ISSUED: 11/15/96 gb Certified copy of Opinion from Fifth Circuit Court of Appeals gb Appeal Record returned from Fifth Circuit: 7 Volumes & 1 envelope of Presentence Report; Returned Presentence Report to USPO gb				
		Interval (per Section II)	Start Date End Date	Ltr. Code	Total Days

UNITED STATES DISTRICT COURT  
CRIMINAL DOCKET

AO 256A

5:93-CR-13  
pg 12

DATE	PROCEEDINGS (continued) (Document No.)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
1997					
12/19/97	* MOTION TO VACATE, SET ASIDE OR CORRECT SENTENCE BY A PERSON IN FEDERAL CUSTODY				gb
12/19/97	ORDER TO SHOW CAUSE, NOTICE AND INSTRUCTIONS TO PARTIES (Cpys to: Movant by cm, rrr P 176 969 592 and U. S. Attys by cm, rrr P 176 969 593, J QW.				dd
12/24/97	RETURN RECEIPT #P176 969 593 indicating U.S. Atty's receipt of Motion to Vacate & Order to show cause; card delivered on 12/23/97 to K. Romines				kw
1998					
1/5/97	RETURN RECEIPT O 176 969 592 ndicating Thomas' receipt of Show Cause Cause.				dd
1/14/98	RETURN RECEIPT No. P 176 969 594 indicating Janet Reno's receipt of Show Cause Order.				dd
1/27/98	RESPONDENT'S MOTION TO DISMISS				dd
1/28/98	ORDER PERMITTING RESPONSE Cpys to Movant, AUSA, JQW. (30 days)				JQW/dd
3/6/98	Notice To Advise Court of Current Address Cpys to: AUSA, SRC, JQW.				dd
3/10/98	FINDINGS, CONCLUSIONS AND RECOMMENDATION Cpys to: Movant by cm, rrr#P 106 790 450 AUSA and JQW.				JQW/dd
3/16/98	RESPONSE TO GOVERNMENT'S DISMISSAL IMPORTENINGS by Thomas Return of Service: CM/RRR#P106 790 450, signed by authorized agent 3/13/98				kj kj
3/18/98	ORDER OF DISMISSAL WITH PREJUDICE, cy to Thomas, AUSA, SRC JUDGMENT, case is dismissed cy to THomas, AUSA, SRC				SRC/kj SRC/kj
3/30/98	OBJECTIONS TO FINDINGS, CONCLUSIONS AND RECOMMENDATIONS By Eric Anthony Thomas				fgf
4/6/98	NOTICE OF APPEAL filed by Eric Anthony Thomas; appeal fee not paid; no transcript order form mailed  Certified copy of docket sheet and Notice of Appeal mailed to 5th Circuit Court of Appeals; copy of transmittal letter and Notice of Appeal mailed to Eric Anthony Thomas and AUSA Tanya Kay Northrup Pierce				fgf fgf

Interval  
(per Section II)Start Date  
End DateLtr. Total  
Code Days

DC 111A  
(Rev. 1/75)

5:93-CR-013-01

## CIVIL DOCKET CONTINUATION SHEET

PAGE ~~12~~ 13

PLAINTIFF		DEFENDANT	DOCKET NO. _____
USA		ERIC ANTHONY THOMAS	PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
4/3/98		ORDER OVERRULING OBJECTIONS AND TREATING AS MOTION FOR NEW TRIAL Cpys to AUSA, Movant and SRC.	SRC/dd
4/7/98		ORDER RE: CERTIFICATE OF APPEALABILITY; The Court, considering the record in the case and the recommendation of the U S Magistrate Judge, hereby finds that the party appealing is not a pauper; a certificate of appealability should not issue. Certified copy mailed to 5th Circuit.	SRC/fgf
4/13/98		USCA Appeal Number 98-10425	
4/17/98		Certificate of Inmate Trust Account Received	dd
4/17/98		Declaration in Support of Request to Proceed In Forma Pauperis	dd
4/24/98		ORDER ON APPLICATION FOR PROCEEDING IN FORMA PAUPERIS ON APPEAL; the Movant Eric Anthony Thomas is granted permission to proceed in forma pauperis on appeal without payment of fees and costs or security therefor; certified copy of Order mailed to USCA 5th Circuit	JQW/fgf
6/5/98		Mailed record on appeal to U. S. Court of Appeals 5th Circuit; Re: Appeal #98-10425 USA v Eric Anthony Thomas; Record on Appeal consists of 3 Total Volumes of the Record (2 Vols of CR & 1 Vol of 2255 Record), 5 Volumes of Transcript Record labeled A thru E, and 1 Sealed Envelope containing Presentence Report of Eric Anthony Thomas; mailed copies of transmittal letter and docket sheets to Eric Anthony Thomas and AUSA Tanya Kay Northrup Pierce	fgf
9/17/98		OPINION OF USCA; in accordance with Judgment of USCA re: Appeal #98-10425; Judgment of the USDC in this cause is Vacated and Remanded to the USDC for further proceedings	fgf
9/17/98		JUDGMENT OF USCA; Judgment of the District Court in this case is Vacated and the cause is Remanded to the USDC for further proceedings in accordance with the Opinion of this Court	fgf
9/17/98		Record on appeal returned from the USCA 5th Circuit; 3 Volumes of the Record on Appeal and 5 Volumes of the Transcript and 1 Sealed Presentence Report; returned Sealed Presentence Report to Probation	fgf
9/18/98		ORDER TO SHOW CAUSE, NOTICE AND INSTRUCTIONS TO PARTIES (Cpy to AUSA w/copy of 2255 Motion and to Pla)	SRC/dd
10/19/98		RESPONSE BY USA TO MOTION TO VACATE	DD
11/9/98		MOTION TO PRECLUDE RESPONSE FROM THE RESPONDENT/AND MOTION FOR ENTRY OF DEFAULT JUDGMENT. (Cpy to SRC)	dd
11/19/98		ORDER (Denying Motions above as moot)(Cpys to: SRC, AUSA & Pla.	SRC/dd
12/3/98		MOTION FOR ENLARGEMENT OF TIME(To respond to Government's Answer	DD

(CONTINUED ON BACK PAGE)

DC 111A  
(Rev. 1/75)

## CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	5:93-CR-13
USA		ERIC ANTHONY THOMAS	DOCKET NO. _____ PAGE 14 OF _____ PAGES
DATE	NR.	PROCEEDINGS	
12/7/98		ORDER DENYING MOTION FOR ENLARGEMENT OF TIME Copy to Petitioner and AUSA, SRC. SRC/dd	
12/21/98		TRAVERSE TO GOVERNMENT'S RETURN by Defendant Eric Anthony Thomas RECORD OF EXHIBITS by Defendant Eric Anthony Thomas	
12/28/98		MOTION FOR LEAVE TO AMEND PLEADING Copy to SRC. ebl	
3/26/99		ORDER; Thomas' Motion Under 28 USC Section 2255 to Vacate, Set Aside or Correct Sentence is DENIED and this case is dismissed WITH PREJUDICE; copies to Tanya Pierce & Eric Anthony Thomas SRC/fgf JUDGMENT; Petitioner's Motion under 28 USC Section 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody is DISMISSED WITH PREJUDICE; Copies to Tanya Pierce & Eric Anthony Thomas (Civil Action #5:97-CV-414 closed) SRC/fgf	
4/8/99		NOTICE OF APPEAL filed by Eric Anthony Thomas ebl NOTICE OF APPEAL AND CERTIFIED COPY OF DOCKET as to Eric Anthony Thomas to USCA ebl	
4/14/99		CERTIFICATE AS TO APPEALABILITY AND ORDER; Granted leave to proceed in forma pauperis; certificate of appealability denied SRC/ebl	
4/16/99		USCA CASE NUMBER as to Eric Anthony Thomas Re: [3-1] appeal, USCA Number 99-10377 ebl	
5/28/99		NOTICE OF ADDRESS CHANGE by defendant Eric Anthony Thomas New Address is: FCI Beaumont (medium), PO Box 26040, Beaumont, Texas 77720 ebl	
8/26/99		ORDER OF USCA (certified copy) re: Eric Anthony Thomas Re: [3-1] appeal; COA is GRANTED on the issue whether Thomas was denied the right to testify on his own behalf and on the standard of review for reviewing this issue. COA is DENIED with respect on all other issues. ebl	
10/29/99		USCA ORDER: Appeal DISMISSED for want of prosecution for failure of appellant to file brief, within the time fixed by the rules ebl	
10/29/99		APPEAL RECORD RETURNED consisting of 3 volumes of record and 5 volumes of transcript and 1 sealed presentence report that was returned to US Probation. ebl	
2/8/00		APPEAL RECORD SENT to USCA consisting of 3 volumes of record and 5 volumes of transcript and 1 sealed presentence report ebl	
7/13/00		NOTICE of address change by Eric Anthony Thomas: FCI Texarkana, PO Box 700, Texarkana, TX 75505. klj	

DC 111A  
(Rev. 1/75)

## CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. 5:93-CR-13
USA		ERIC ANTHONY THOMAS	PAGE 15 OF ____ PAGES
DATE	NR.	PROCEEDINGS	
01/23/01		MOTION (Notice of Amendment) by Eric Anthony Thomas to amend Motion to Vacate under 28 USC 2255 mms	
01/25/01		USCA JUDGMENT: Ordered and adjudged that the judgment of the District Court is VACATED, and the cause is REMANDED to the District Court for further proceedings in accordance with the Opinion of this Court ebl	
01/25/01		USCA OPINION: VACATED and REMANDED back to District Court ebl	
02/01/01		APPEAL RECORD RETURNED consisting of 3 volumes of Record, 5 volumes of Transcript, and 1 SEALED Presentence Report which was returned to the USPO. ebl	
02/12/01		ORDER-for Writ of Habeas Corpus Ad Testificandum; Petitioner's pleadings filed on 1/23/01, shall be construed as his Amended Motion Under 28 USC Sec. 2255 to Vacate, Set Aside, or Correct Sentency by a Person in Federal Custody; Phillip Wischkaemper is appointed to represent Petitioner with regard to his ineffective-assistance-of-counsel/right-to-testify claim. The Clerk is directed to mail a copy of this Court's Order of 3/26/99, Opinion of the US Court of Appeals for the 5th Circuit issued as mandate and filed on 1/25/01 and Petitioner's pleadings filed on 1/25/01 to Phillip Wischkaemper. Through his appointed counsel, Petitioner shall have until 3/12/01 to file an amended 2255 motion; Government shall file its response on or before 4/6/01; Petitioner's reply shall be due on or before 4/16/01; An evidentiary hearing is scheduled for 5/4/01 at 1:30pm. The Clerk of this Court shall issue a Writ of Habeas Corpus Ad Testificandum directed to the Warden, FCI Texarkana, Warden, FCI Big Spring and the US Marshal directing said officers to have Petitioner brought to US Courthouse, Lubbock on 5/4/01 at 1:30 pm. cc: Plaintiff, USA, US Marshal, FCI Texarkana Warden, FCI Big Spring Warden, Phillip Wischkaemper, Dennis Reeves mms	
02/12/01		WRIT of Habeas Corpus Ad Testificandum issued as to Eric Anthony Thomas to appear on 5/4/01-Sent CMRR#7099, 3400 0009 1394 3432 to Warden, FCI Texarkana; CMRR# 7099, 3400 0009 1394 3425 to Warden, FCI Big Spring and CMRR# 7099 3400 0009 1394 3418 to US Marshal. mms	
2/15/01		Received CMRR#7099 3400 0009 1394 3418, US Marshals mms	
2/15/01		Received CMRR# 7099 3400 0009 1394 3425, FCI Big Spring mms	
2/20/01		Received CMRR# 7099 3400 0009 1394 3432, FCI Texarkana mms	
3/1/01		MOTION OF DEFENDANT/PETITIONER ERIC ANTHONY THOMAS TO CHECK OUT FROM THE CLERKS FILE THE TRANSCRIPT AND CLERK's RECORD mms	
3/1/01		ORDER ON MOTION OF DEFENDANT/PETITIONER TO CHECK OUT FROM THE CLERK'S FILE THE TRANSCRIPT AND CLERK'S RECORD Granted that Petitioner's attorney be allowed to check out, from the Clerk's file, the transcript and Clerk's record until 3/12/01; cc: Tanya Pierce and Philip Wischkaemper 1 Page mms	
3/2/01		PETITIONER'S ATTORNEY PICKED UP RECORD FROM CLERK's OFFICE, this date mms	
3/9/01		PETITIONER'S ATTORNEY RETURNED RECORD TO CLERK'S OFFICE, this date mms	
		AMENDED MOTION OF ERIC ANTHONY WILLIAMS TO VACATE CONVICTION AND SENTENCE AND FOR NEW TRIAL PURSUANT TO 28 USC 2255 AND BRIEF IN SUPPORT mms	

DC 111A  
(Rev. 1/75)

## CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>5:93-CR-13</u>
ERIC ANTHONY THOMAS		USA	PAGE <u>16</u> OF <u>    </u> PAGES
DATE	NR.	PROCEEDINGS	
3/19/01		CJA 20 as to Eric Anthony Thomas; Authorization to pay Philip Wischkaemper \$790.00 Voucher #0832755; Page(s):1 (Signed by Judge Sam R. Cummings)	mms
3/26/01		ORDER RESCHEDULING HEARING; The evidentiary hearing is rescheduled for 1:30 pm on Friday, 4/27/01, in the US District Court, Lubbock, TX. (Signed by Judge Sam R. Cummings) Page(s):1; Copies to US Atty, Tanya Pierce and CJA Atty, Philip Wischkaemper and Dennis Reeves	mms
4/26/01		MOTION TO EXPAND THE RECORD PURSUANT TO RULE 7 OF THE RULES GOVERNING SECTION 2255 CASES IN THE UNITED STATES DISTRICT COURTS AND BRIEF IN SUPPORT filed by Defendant/Petitioner, Eric Anthony Thomas	jgt
4/27/01		ENTRY OF APPEARANCE OF CO-COUNSEL BY David M. Guinn, Jr. for Defendant, Eric Anthony Thomas	jgt
4/27/01		MINUTE ORDER: Evidentiary Hearing held before Judge Sam R. Cummings Case called; Witnesses called and sworn; Testimony heard; Arguments and closing statements heard; Court will rule at later date.	eb1
05/04/01		ORDER finding Amended Motion to Vacate should be dismissed with prejudice and that Thomas' claims of ineffective assistance of counsel and denial of the right to testify should be denied in all things	jgt
05/04/01		JUDGMENT dismissing case with prejudice as stated in Order of even date	jgt
05/16/01		NOTICE OF APPEAL by Eric Anthony Thomas; appealing final judgment and Order entered on May 4, 2001	eb1
05/16/01		MOTION (APPLICATION) FOR A CERTIFICATE OF APPEALABILITY by Eric Anthony Thomas	eb1
05/16/01		NOTICE OF APPEAL AND CERTIFIED COPY OF DOCKET as to Eric Anthony Thomas to USCA	eb1
05/17/01		TRANSCRIPT ORDER requested in appeal as to Eric Anthony Thomas	eb1
05/29/01		TRANSCRIPT Of Hearing on Writ of Habeas Corpus held on 4/27/01 One (1) bound volume	eb1
05/30/01		CERTIFICATE AS TO APPEALABILITY AND ORDER: Court finds that the party appealing should be GRANTED leave to proceed in forma pauperis. A certificate of appealability should be DENIED. For the reasons stated in the Order of dismissal and Judgment entered by the District Court on May 4, 2001, the Petitioner has failed to make a "substantial showing of the denial of a constitutional right." (Signed by Judge Sam R. Cummings) Page(s): 1; Copies to Counsel.	eb1
06/08/01		CJA 24 - AUTHORIZATION AND VOUCHER FOR PAYMENT OF TRANSCRIPT: Authorization to pay Shawn McRoberts \$354.00 for Transcript (Signed by Judge Sam R. Cummings)	eb1
06/11/01		USCA CASE NUMBER, 01-10679 Re: 5/16/01 Notice of Appeal	eb1
06/15/01		APPEAL RECORD SENT to USCA consisting of three (3) volumes of record (One of 2255 Record and two of Criminal record); and six (6) volumes of transcript	eb1

UNITED STATES DISTRICT COURT  
CRIMINAL DOCKET

U. S. vs ERIC ANTHONY THOMAS

PAGE - 17 -

93 CR-013 01  
Yr. Docket No. Def.

DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
06/25/01	(Document No.) MOTION for the Court to return \$100.00 filed by Eric Anthony Thomas eb1				
06/27/01	ORDER; The Clerk has advised the Court that to date Defendant has paid only \$50.00, which was applied to the mandatory special assessment on Count 2. It is therefore, ORDERED that Defendant's Motion for the Court to Return \$100.00 is DENIED. Copies to AUSA, David Guinn, Philip Wischkaemper, and Eric Anthony Thomas SRC/eb1				
07/05/01	CJA 20 as to Eric Anthony Thomas; Authorization to pay \$1,447.00; Voucher #0832763 (Signed By Judge Sam R. Cummings) SRC/eb1				
07/12/01	RETURNED MAIL on Eric Anthony Thomas consisting of copy of Motion for the Court to return \$100.00 and Order denying said Motion received; marked RETURN TO SENDER since he is no longer at FCI Texarkana eb1				
07/13/01	DUSM RETURN: Writ of Habeas Corpus Ad Testificandum executed for Eric Anthony Thomas on 07/10/01 eb1				
10/25/01	ORDER OF USCA (certified copy) re: Eric Anthony Thomas Re: Appeal filed 5/16/01; COA is DENIED eb1				
10/25/01	APPEAL RECORD RETURNED consisting of three (3) volumes of record, six (6) volumes of transcript, and one (1) SEALED Presentence Report which was returned to USPO. eb1				
11/30/01	NOTICE OF ADDRESS CHANGE: New address is Federal Correction Institution (Medium), P.O. Box 26040, Beaumont, Texas 77720. Filed by Eric Anthony Thomas eb1				
01/02/02	All documents filed after this date are electronically filed on computer system.				

MIME-Version:1.0

From:ecf\_txnd@txnd.uscourts.gov

To:Courtmail@txndlei.txnd.circ5.dcn

Bcc:tanya.pierce@usdoj.gov, linda.a.hill@usdoj.gov, usatxn.ecfcriminal@usdoj.gov, dmguinn@swbell.net, elizabeth@justitia.hrglaw.com, dennis@dennisreeveslaw.com, caseyd@nts-online.net, reevesof@nts-online.net, Miglit@aol.com, jeffrey.haag@usdoj.gov, Cynthia.Hood@usdoj.gov, jan.angelley@usdoj.gov, Delva\_Hernandez@txnd.uscourts.gov, Sherry\_Phillips@txnd.uscourts.gov, david\_iglesias@txnd.uscourts.gov

Message-Id:<3526484@txnd.uscourts.gov>

Subject:Activity in Case 5:93-cr-00013 USA v. Thomas Remark

Content-Type: text/html

**\*\*\*NOTE TO PUBLIC ACCESS USERS\*\*\* You may view the filed documents once without charge. To avoid later charges, download a copy of each document during this first viewing.**

If you need to know whether you must send the presiding judge a paper copy of a document that you have docketed in this case, click here: [Judges' Copy Requirements](#)

**U.S. District Court**

**Northern District of Texas**

**Notice of Electronic Filing**

The following transaction was entered on 1/17/2008 at 11:25 AM CST and filed on 1/2/2002

**Case Name:** USA v. Thomas

**Case Number:** 5:93-cr-13

**Filer:**

**Document Number:** 12

**Docket Text:**

Original Docket Sheet as to Eric Anthony Thomas. \*\*\*ALL DOCUMENTS FILED PRIOR TO THIS DATE ARE ON PAPER.\*\*\* (bdg)

**5:93-cr-13-1 Notice has been electronically mailed to:**

Tanya K Pierce tanya.pierce@usdoj.gov, linda.a.hill@usdoj.gov, usatxn.ecfcriminal@usdoj.gov

David Guinn, Jr dmguinn@swbell.net, elizabeth@justitia.hrglaw.com

Dennis Ray Reeves (Terminated) dennis@dennisreeveslaw.com, caseyd@nts-online.net, reevesof@nts-online.net

Philip Alan Wischkaemper Miglit@aol.com

Jeffrey R Haag jeffrey.haag@usdoj.gov, Cynthia.Hood@usdoj.gov, jan.angelley@usdoj.gov,

linda.a.hill@usdoj.gov, usatxn.ecfcriminal@usdoj.gov

If you are no longer an active participant in this case and you want electronic noticing to be turned off so that you will stop receiving filing notices, click [here](#), then click on "Ask a Question."

**5:93-cr-13-1 Notice will not be electronically mailed to:**

The following document(s) are associated with this transaction:

**Document description:**Main Document

**Original filename:**n/a

**Electronic document Stamp:**

[STAMP dcecfStamp\_ID=1004035775 [Date=1/17/2008] [FileNumber=3526482-0  
] [409f0fe9aad849e2e188d5aacc2ded45b324c4de8c54a93e5996865f5b2295bf654  
aecefc35a520f8c07ac5975d14e3aa1de1c1e14913eca050d817f1cc49fb6]]